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Fifty-seventh session
Item 17 (a) of the provisional agenda

PROMOTION AND PROTECTION OF HUMAN RIGHTS

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Report of the Secretary-General

1. The General Assembly, in its resolution 2200 A (XXI) of 16 December 1966, adopted and opened for signature, ratification or accession the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights.

2. Both Covenants and the Optional Protocol were opened for signature at New York on 19 December 1966. In accordance with their respective provisions,[1] the International Covenant on Economic, Social and Cultural Rights entered into force on 3 January 1976, the International Covenant on Civil and Political Rights entered into force on 23 March 1976 and the Optional Protocol to the International Covenant on Civil and Political Rights, having received the required number of ratifications or accessions, entered into force simultaneously with that Covenant on 23 March 1976.

3. The General Assembly, in its resolution 44/128 of 15 December 1989, adopted and opened for signature, ratification and accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and called upon all Governments in a position to do so to consider signing and ratifying or acceding to the Second Optional Protocol.

4. The Second Optional Protocol to the International Covenant on Civil and Political Rights entered into force on 11 July 1991, three months after the date of deposit with the Secretary-General of the tenth instrument of ratification or accession.[2]

5. In its resolution 2000/67 of 26 April 2000, the Commission on Human Rights, inter alia, appealed strongly to all States that had not yet become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to do so, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in its article 41; invited the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the Covenants and, through the programme of advisory services in the field of human rights, to assist such States at their request in ratifying them or acceding to them; encouraged States parties to consider limiting the extent of any reservations they lodge to the International Covenants on Human Rights, to formulate such reservations as precisely and narrowly as possible and to ensure that no reservation was incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law. The Commission also stressed the importance of avoiding the erosion of human rights by derogation and underlined the necessity for strict observance by States parties of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights and the need for States parties to provide the fullest possible information during states of emergency, so that the justification for the appropriateness of measures taken in those circumstances could be assessed. The Commission further urged States parties to fulfil in good time their reporting obligations under the International Covenants on Human Rights and in their reports to make use of gender-disaggregated data; it also urged them to take duly into account, in implementing the provisions of the Covenants, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights. The Commission requested the Secretary-General to ensure that the Office of the High Commissioner for Human Rights effectively assisted the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates, including by the provision of adequate Secretariat staff resources. It further requested the Secretary-General to submit to it at its fifty-seventh session a report on the status of the International Covenants and the Optional Protocols to the International Covenant on Civil and Political Rights.[3]

6. As at 15 November 2000, the International Covenant on Economic, Social and Cultural Rights had been ratified or acceded to by 143 States; the International Covenant on Civil and Political Rights by 148 States; the Optional Protocol to the International Covenant on Civil and Political Rights by 97 States; and the Second Optional Protocol to the International Covenant on Civil and Political Rights by 44 States.

7. Upon ratification of the International Covenant on Civil and Political Rights or subsequently 47 States made the declaration provided for in article 41 of the Covenant, recognizing the competence of the Human Rights Committee established under article 28 of the Covenant to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant. The provisions of

article 41 entered into force on 28 March 1979 in accordance with paragraph 2 of that article. No inter-State communication under article 41 of the Covenant had been filed as of the date of the present report.

8. Under the Optional Protocol to the International Covenant on Civil and Political Rights, individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration. As of the date of the present report, the Committee had registered over 950 communications and adopted final decisions on the merits ("Views" under article 5, paragraph 4, of the Optional Protocol) with respect to 354 of them.

9. Since the previous report to the Commission on Human Rights (E/CN.4/2000/89) the Human Rights Committee has adopted a general comment on equality of men and women (article 3 of the Covenant). At present the Human Rights Committee is considering a draft general comment on derogations and states of emergency (art. 4). The Committee on Economic, Social and Cultural Rights, at its twenty-second session (25 April-12 May 2000) adopted General Comment No. 14 on the right to the highest attainable standard of health (E/C.12/2000/4).

10. The lists of the States parties to the Covenants and the Optional Protocols, the dates of their ratifications, accessions or successions, as well as the dates of entry into force of those instruments for each State appear in annexes I and II to the present document.

Notes

[1] Article 27 of the International Covenant on Economic, Social and Cultural Rights, article 49 of the International Covenant on Civil and Political Rights and article 9 of the Optional Protocol.

[2] In accordance with Article 8 of the Second Optional Protocol.

[3] For the text of reservations, declarations, notifications and objections relating to the International Covenant on Economic, Social and Cultural Rights see document E/C.12/1993/3/Rev.4 of 5 August 1999; relating to the International Covenant on Civil and Political Rights and the Optional Protocols thereto, consult the Web site of the Office of the United Nations High Commissioner for Human Rights (www.unhchr.ch).

Annex I

STATES PARTIES TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AS AT 15 NOVEMBER 2000 (143)

State party	Date of receipt of the instrument of ratification or accession[a] or succession[b]	Date of entry into force
Afghanistan	24 January 1983[a]	24 April 1983
Albania	4 October 1991[a]	4 January 1992
Algeria	12 September 1989	12 December 1989
Angola	10 January 1992[a]	10 April 1992
Argentina	8 August 1986	8 November 1986
Armenia	13 September 1993	13 December 1993
Australia	10 December 1975	10 March 1976
Austria	10 September 1978	10 December 1978
Azerbaijan	13 August 1992[a]	13 November 1992
Bangladesh	5 October 1998[a]	5 January 1999
Barbados	5 January 1973[a]	3 January 1976
Belarus	12 November 1973	3 January 1976
Belgium	21 April 1983	21 July 1983
Benin	12 March 1992[a]	12 June 1992
Bolivia	12 August 1982[a]	12 November 1982
Bosnia and Herzegovina	1 September 1993[b]	6 March 1992
Brazil	24 January 1992[a]	24 April 1992
Bulgaria	21 September 1970	3 January 1976
Burkina Faso	4 January 1999[a]	4 April 1999
Burundi	9 May 1990[a]	9 August 1990
Cambodia	26 May 1992[a]	26 August 1992
Cameroon	27 June 1984[a]	27 September 1984
Canada	19 May 1976[a]	19 August 1976
Cape Verde	6 August 1993[a]	6 November 1993
Central African Republic	8 May 1981[a]	8 August 1981
Chad	9 June 1995[a]	9 September 1995
Chile	10 February 1972	3 January 1976
Colombia	29 October 1969	3 January 1976
Congo	5 October 1983[a]	5 January 1984
Costa Rica	29 November 1968	3 January 1976

State party	Date of receipt of the instrument of ratification or accession[a] or succession[b]	Date of entry into force
Côte d'Ivoire	26 March 1992[a]	26 June 1992
Croatia	8 October 1991[b]	8 October 1991
Cyprus	2 April 1969	3 January 1976
Czech Republic	22 February 1993[b]	1 January 1993
Democratic People's Republic of Korea	14 September 1981[a]	14 December 1981
Democratic Republic of the Congo	1 November 1996[a]	1 February 1997
Denmark	6 January 1972	3 January 1976
Dominica	17 June 1993[a]	17 September 1993
Dominican Republic	4 January 1978[a]	4 April 1978
Ecuador	6 March 1969	3 January 1976
Egypt	14 January 1982	14 April 1982
El Salvador	30 November 1979	29 February 1980
Equatorial Guinea	25 September 1987[a]	25 December 1987
Eritrea	20 January 1999	20 April 1999
Estonia	21 October 1991[a]	21 January 1992
Ethiopia	11 June 1993[a]	11 September 1993
Finland	19 August 1975	3 January 1976
France	4 November 1980[a]	4 February 1981
Gabon	21 January 1983[a]	21 April 1983
Gambia	29 December 1978[a]	29 March 1979
Georgia	3 May 1994[a]	3 August 1994
Germany	17 December 1973	3 January 1976
Ghana	7 September 2000	7 December 2000
Greece	16 May 1985[a]	16 August 1985
Grenada	6 September 1991[a]	6 December 1991
Guatemala	19 May 1988[a]	19 August 1988
Guinea	24 January 1978	24 April 1978
Guinea-Bissau	2 July 1992[a]	2 October 1992
Guyana	15 February 1977	15 May 1977
Honduras	17 February 1981[a]	17 May 1981

State party	Date of receipt of the instrument of ratification or accession[a] or succession[b]	Date of entry into force
Hungary	17 January 1974	3 January 1976
Iceland	22 August 1979	22 November 1979
India	10 April 1979[a]	10 July 1979
Iran (Islamic Republic of)	24 June 1975	3 January 1976
Iraq	25 January 1971	3 January 1976
Ireland	8 December 1989	8 March 1990
Israel	3 October 1991	3 January 1992
Italy	15 September 1978	15 December 1978
Jamaica	3 October 1975	3 January 1976
Japan	21 June 1979	21 September 1979
Jordan	28 May 1975	3 January 1976
Kenya	1 May 1972[a]	3 January 1976
Kuwait	21 May 1996[a]	21 August 1996
Kyrgyzstan	7 October 1994	7 January 1995
Latvia	14 April 1992[a]	14 July 1992
Lebanon	3 November 1972[a]	3 January 1976
Lesotho	9 September 1992[a]	9 December 1992
Libyan Arab Jamahiriya	15 May 1970[a]	3 January 1976
Liechtenstein	10 December 1998[a]	10 March 1999
Lithuania	20 November 1991[a]	20 February 1992
Luxembourg	18 August 1983	18 November 1983
Madagascar	22 September 1971[a]	3 January 1976
Malawi	22 December 1993[a]	22 March 1994
Mali	16 July 1974[a]	3 January 1976
Malta	13 September 1990	13 December 1990
Mauritius	12 December 1973[a]	3 January 1976
Mexico	23 March 1981[a]	23 June 1981
Monaco	28 August 1997	28 November 1997
Mongolia	18 November 1974	3 January 1976
Morocco	3 May 1979	3 August 1979
Namibia	22 December 1993[a]	22 March 1994
Nepal	14 May 1991[a]	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	28 December 1978	28 March 1979
Nicaragua	12 March 1980[a]	12 June 1980

State party	Date of receipt of the instrument of ratification or accession[a] or succession[b]	Date of entry into force
Niger	7 March 1986[a]	7 June 1986
Nigeria	29 July 1993[a]	29 October 1993
Norway	13 September 1972	3 January 1976
Panama	8 March 1977	8 June 1977
Paraguay	10 June 1992[a]	10 September 1992
Peru	28 April 1978	28 July 1978
Philippines	7 June 1974	3 January 1976
Poland	18 March 1977	18 June 1977
Portugal	31 July 1978	31 October 1978
Republic of Korea	10 April 1990[a]	10 July 1990
Republic of Moldova	26 January 1993[a]	26 April 1993
Romania	9 December 1974	3 January 1976
Russian Federation	16 October 1973	3 January 1976
Rwanda	16 April 1975[a]	3 January 1976
Saint Vincent and the Grenadines	9 November 1981[a]	9 February 1982
San Marino	18 October 1985[a]	18 January 1986
Senegal	13 February 1978	13 May 1978
Seychelles	5 May 1992[a]	5 August 1992
Sierra Leone	23 August 1996[a]	23 November 1996
Slovakia	28 May 1993[b]	1 January 1993
Slovenia	6 July 1992[a]	6 July 1992
Solomon Islands	17 March 1982[b]	17 March 1982
Somalia	24 January 1990[a]	24 April 1990
Spain	27 April 1977	27 July 1977
Sri Lanka	11 June 1980[a]	11 September 1980
Sudan	18 March 1986[a]	18 June 1986
Suriname	28 December 1976[a]	28 March 1977
Sweden	6 December 1971	3 January 1976
Switzerland	18 June 1992[a]	18 September 1992
Syrian Arab Republic	21 April 1969[a]	3 January 1976

State party	Date of receipt of the instrument of ratification or accession[a] or succession[b]	Date of entry into force
Tajikistan	4 January 1999[a]	4 April 1999
Thailand	5 September 1999	5 December 1999
The former Yugoslav Republic of Macedonia	18 January 1994[b]	17 September 1991
Togo	24 May 1984[a]	24 August 1984
Trinidad and Tobago	8 December 1978[a]	8 March 1979
Tunisia	18 March 1969	3 January 1976
Turkmenistan	1 May 1997[a]	1 August 1997
Uganda	21 January 1987[a]	21 April 1987
Ukraine	12 November 1973	3 January 1976
United Kingdom of Great Britain and Northern Ireland	20 May 1976	20 August 1976
United Republic of Tanzania	11 June 1976[a]	11 September 1976
Uruguay	1 April 1970	3 January 1976
Uzbekistan	28 September 1995	28 December 1995
Venezuela	10 May 1978	10 August 1978
Viet Nam	24 September 1982[a]	24 December 1982
Yemen	9 February 1987[a]	9 May 1987
Yugoslavia	2 June 1971	3 January 1976
Zambia	10 April 1984[a]	10 July 1984
Zimbabwe	13 May 1991[a]	13 August 1991

In addition to the States parties listed above, the Covenant continues to apply in Hong Kong, Special Administrative Region, People's Republic of China.

Annex II

STATES PARTIES TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND TO THE OPTIONAL PROTOCOLS AND STATES WHICH HAVE MADE THE DECLARATION UNDER ARTICLE 41 OF THE COVENANT AS AT 15 NOVEMBER 2000

A. States parties to the International Covenant on Civil and Political Rights (148)

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Afghanistan	24 January 1983[a]	24 April 1983
Albania	4 October 1991[a]	4 January 1992
Algeria	12 September 1989	12 December 1989
Angola	10 January 1992[a]	10 April 1992
Argentina	8 August 1986	8 November 1986
Armenia	23 June 1993[a]	
Australia	13 August 1980	13 November 1980
Austria	10 September 1978	10 December 1978
Azerbaijan	13 August 1992[a]	[b]
Bangladesh	6 September 2000[a]	6 December 2000
Barbados	5 January 1973[a]	23 March 1976
Belarus	12 November 1973	23 March 1976
Belgium	21 April 1983	21 July 1983
Belize	10 June 1996[a]	10 September 1996
Benin	12 March 1992[a]	12 June 1992
Bolivia	12 August 1982[a]	12 November 1982
Bosnia and Herzegovina	1 September 1993[c]	6 March 1992
Botswana		
Brazil	24 January 1992[a]	24 April 1992
Bulgaria	21 September 1970	23 March 1976
Burkina Faso	4 January 1999[a]	4 April 1999
Burundi	9 May 1990[a]	9 August 1990
Cambodia	26 May 1992[a]	26 August 1992
Cameroon	27 June 1984[a]	27 September 1984
Canada	19 May 1976[a]	19 August 1976
Cape Verde	6 August 1993[a]	6 November 1993
Central African Republic	8 May 1981[a]	8 August 1981
Chad	9 June 1995[a]	9 September 1995
Chile	10 February 1972	23 March 1976
Colombia	29 October 1969	23 March 1976

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Congo	5 October 1983[a]	5 January 1984
Costa Rica	29 November 1968	23 March 1976
Côte d'Ivoire	26 March 1992[a]	26 June 1992
Croatia	12 October 1992[c]	8 October 1991
Cyprus	2 April 1969	23 March 1976
Czech Republic	22 February 1993[c]	1 January 1993
Democratic People's Republic of Korea	14 September 1981[a]	14 December 1981
Democratic Republic of the Congo	1 November 1976[a]	1 February 1977
Denmark	6 January 1972	23 March 1976
Dominica	17 June 1993[a]	17 September 1993
Dominican Republic	4 January 1978[a]	4 April 1978
Ecuador	6 March 1969	23 March 1976
Egypt	14 January 1982	14 April 1982
El Salvador	30 November 1979	29 February 1980
Equatorial Guinea	25 September 1987[a]	25 December 1987
Estonia	21 October 1991[a]	21 January 1992
Ethiopia	11 June 1993[a]	11 September 1993
Finland	19 August 1975	23 March 1976
France	4 November 1980[a]	4 February 1981
Gabon	21 January 1983[a]	21 April 1983
Gambia	22 March 1979[a]	22 June 1979
Georgia	3 May 1994[a]	[b]
Germany	17 December 1973	23 March 1976
Ghana	7 September 2000	7 December 2000
Greece	5 May 1997[a]	5 August 1997
Grenada	6 September 1991[a]	6 December 1991
Guatemala	6 May 1992[a]	5 August 1992
Guinea	24 January 1978	24 April 1978
Guyana	15 February 1977	15 May 1977
Haiti	6 February 1991[a]	6 May 1991
Honduras	25 August 1997	25 November 1997
Hungary	17 January 1974	23 March 1976
Iceland	22 August 1979	22 November 1979
India	10 April 1979[a]	10 July 1979
Iran, Islamic Republic of	24 June 1975	23 March 1976

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Iraq	25 January 1971	23 March 1976
Ireland	8 December 1989	8 March 1990
Israel	3 October 1991[a]	3 January 1992
Italy	15 September 1978	15 December 1978
Jamaica	3 October 1975	23 March 1976
Japan	21 June 1979	21 September 1979
Jordan	28 May 1975	23 March 1976
Kazakhstan[d]		
Kenya	1 May 1972[a]	23 March 1976
Kuwait	21 May 1996[a]	21 August 1996
Kyrgyzstan	7 October 1994[a]	[b]
Latvia	14 April 1992[a]	14 July 1992
Lebanon	3 November 1972[a]	23 March 1976
Lesotho	9 September 1992[a]	9 December 1992
Libyan Arab Jamahiriya	15 May 1970[a]	23 March 1976
Liechtenstein	10 December 1998[a]	10 March 1999
Lithuania	20 November 1991[a]	20 February 1992
Luxembourg	18 August 1983	18 November 1983
Madagascar	21 June 1971	23 March 1976
Malawi	22 December 1993[a]	22 March 1994
Mali	16 July 1974[a]	23 March 1976
Malta	13 September 1990[a]	13 December 1990
Mauritius	12 December 1973[a]	23 March 1976
Mexico	23 March 1981[a]	23 June 1981
Monaco	28 August 1997	28 November 1997
Mongolia	18 November 1974	23 March 1976
Morocco	3 May 1979	3 August 1979
Mozambique	21 July 1993[a]	21 October 1993
Namibia	28 November 1994[a]	28 February 1995
Nepal	14 May 1991	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	28 December 1978	28 March 1979
Nicaragua	12 March 1980[a]	12 June 1980
Niger	7 March 1986[a]	7 June 1986
Nigeria	29 July 1993[a]	29 October 1993

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Norway	13 September 1972	23 March 1976
Panama	8 March 1977	8 June 1997
Paraguay	10 June 1992[a]	10 September 1992
Peru	28 April 1978	28 July 1978
Philippines	23 October 1986	23 January 1987
Poland	18 March 1977	18 June 1977
Portugal	15 June 1978	15 September 1978
Republic of Korea	10 April 1990[a]	10 July 1990
Republic of Moldova	26 January 1993[a]	[b]
Romania	9 December 1974	23 March 1976
Russian Federation	16 October 1973	23 March 1976
Rwanda	16 April 1975[a]	23 March 1976
Saint Vincent and the Grenadines	9 November 1981[a]	9 February 1982
San Marino	18 October 1985[a]	18 January 1986
Senegal	13 February 1978	13 May 1978
Seychelles	5 May 1992[a]	5 August 1992
Sierra Leone	23 August 1996[a]	23 November 1996
Slovakia	28 May 1993[c]	1 January 1993
Slovenia	6 July 1992[c]	25 June 1991
Somalia	24 January 1990[a]	24 April 1990
South Africa	10 December 1998[a]	10 March 1999
Spain	27 April 1977	27 July 1977
Sri Lanka	11 June 1980[a]	11 September 1980
Sudan	18 March 1986[a]	18 June 1986
Suriname	28 December 1976[a]	28 March 1977
Sweden	6 December 1971	23 March 1976
Switzerland	18 June 1992[a]	18 September 1992
Syrian Arab Republic	21 April 1969[a]	23 March 1976
Tajikistan	4 January 1999	4 April 1999
Thailand	29 October 1996[a]	29 January 1997
The former Yugoslav Republic of Macedonia	17 September 1991[c]	17 September 1991
Togo	24 May 1984[a]	24 August 1984
Trinidad and Tobago	21 December 1978[a]	21 March 1979
Tunisia	18 March 1969	23 March 1976
Turkmenistan	1 May 1997[a]	[b]

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Uganda	21 June 1995[a]	21 September 1995
Ukraine	12 November 1973	23 March 1976
United Kingdom of Great Britain and Northern Ireland	20 May 1976	20 August 1976
United Republic of Tanzania	11 June 1976[a]	11 September 1976
United States of America	8 June 1992	8 September 1992
Uruguay	1 April 1970	23 March 1976
Uzbekistan	28 September 1995	[b]
Venezuela	10 May 1978	10 August 1978
Viet Nam	24 September 1982[a]	24 December 1982
Yemen	9 February 1987[a]	9 May 1987
Yugoslavia	2 June 1971	23 March 1976
Zambia	10 April 1984[a]	10 July 1984
Zimbabwe	13 May 1991[a]	13 August 1991

In addition to the States parties listed above, the Covenant continues to apply in Hong Kong, Special Administrative Region, People's Republic of China.[c]

B. States parties to the Optional Protocol (97)

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Algeria	12 September 1989[a]	12 December 1989
Angola	10 January 1992[a]	10 April 1992
Argentina	8 August 1986[a]	8 November 1986
Armenia	23 June 1993	23 September 1993
Australia	25 September 1991[a]	25 December 1991
Austria	10 December 1987	10 March 1988
Barbados	5 January 1973[a]	23 March 1976
Belarus	30 September 1992[a]	30 December 1992
Belgium	17 May 1994[a]	17 August 1994
Benin	12 March 1992[a]	12 June 1992
Bolivia	12 August 1982[a]	12 November 1982
Bosnia and Herzegovina	1 March 1995	1 June 1995
Bulgaria	26 March 1992[a]	26 June 1992
Burkina Faso	4 January 1999[a]	4 April 1999
Cameroon	27 June 1984[a]	27 September 1984

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Canada	19 May 1976[a]	19 August 1976
Cape Verde	19 May 2000[a]	19 August 2000
Central African Republic	8 May 1981[a]	8 August 1981
Chad	9 June 1995	9 September 1995
Chile	28 May 1992[a]	28 August 1992
Colombia	29 October 1969	23 March 1976
Congo	5 October 1983[a]	5 January 1984
Costa Rica	29 November 1968	23 March 1976
Côte d'Ivoire	5 March 1997	5 June 1997
Croatia	12 October 1995	12 January 1996
Cyprus	15 April 1992	15 July 1992
Czech Republic	22 February 1993[c]	1 January 1993
Democratic Republic of the Congo	1 November 1976[a]	1 February 1977
Denmark	6 January 1972	23 March 1976
Dominican Republic	4 January 1978[a]	4 April 1978
Ecuador	6 March 1969	23 March 1976
El Salvador	6 June 1995	6 September 1995
Equatorial Guinea	25 September 1987[a]	25 December 1987
Estonia	21 October 1991[a]	21 January 1992
Finland	19 August 1975	23 March 1976
France	17 February 1984[a]	17 May 1984
Gambia	9 June 1988[a]	9 September 1988
Georgia	3 May 1994[a]	3 August 1994
Germany	25 August 1993	25 November 1993
Ghana	7 September 2000	7 December 2000
Greece	5 May 1997[a]	5 August 1997
Guinea	17 June 1993	17 September 1993
Guyana[f]	10 May 1993[a]	10 August 1993
Hungary	7 September 1988[a]	7 December 1988
Iceland	22 August 1979[a]	22 November 1979
Ireland	8 December 1989	8 March 1990
Italy	15 September 1978	15 December 1978
Kyrgyzstan	7 October 1994[a]	7 January 1995
Latvia	22 June 1994[a]	22 September 1994
Lesotho	6 September 2000[a]	6 December 2000

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Libyan Arab Jamahiriya	16 May 1989[a]	16 August 1989
Liechtenstein	10 December 1998[a]	10 March 1999
Lithuania	20 November 1991[a]	20 February 1992
Luxembourg	18 August 1983[a]	18 November 1983
Madagascar	21 June 1971	23 March 1976
Malawi	11 June 1996	11 September 1996
Malta	13 September 1990[a]	13 December 1990
Mauritius	12 December 1973[a]	23 March 1976
Mongolia	16 April 1991[a]	16 July 1991
Namibia	28 November 1994[a]	28 February 1995
Nepal	14 May 1991[a]	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	26 May 1989[a]	26 August 1989
Nicaragua	12 March 1980[a]	12 June 1980
Niger	7 March 1986[a]	7 June 1986
Norway	13 September 1972	23 March 1976
Panama	8 March 1977	8 June 1977
Paraguay	10 January 1995[a]	10 April 1995
Peru	3 October 1980	3 January 1981
Philippines	22 August 1989[a]	22 November 1989
Poland	7 November 1991[a]	7 February 1992
Portugal	3 May 1983	3 August 1983
Republic of Korea	10 April 1990[a]	10 July 1990
Romania	20 July 1993[a]	20 October 1993
Russian Federation	1 October 1991[a]	1 January 1992
Saint Vincent and the Grenadines	9 November 1981[a]	9 February 1982
San Marino	18 October 1985[a]	18 January 1986
Senegal	13 February 1978	13 May 1978
Seychelles	5 May 1992[a]	5 August 1992
Sierra Leone	23 August 1996[a]	23 November 1996
Slovakia	28 May 1993[c]	1 January 1993
Slovenia	16 July 1993[a]	16 October 1993
Somalia	24 January 1990[a]	24 April 1990
Spain	25 January 1985[a]	Indefinitely
Sri Lanka[a]	3 October 1997	3 January 1998

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Suriname	28 December 1976[a]	28 March 1977
Sweden	6 December 1971	23 March 1976
Tajikistan	4 January 1999[a]	4 April 1999
The former Yugoslav Republic of Macedonia	12 December 1994[a]	12 March 1995
Togo	30 March 1988[a]	30 June 1988
Turkmenistan[b]	1 May 1997[a]	1 August 1997
Uganda	14 November 1995	14 February 1996
Ukraine	25 July 1991[a]	25 October 1991
Uruguay	1 April 1970	23 March 1976
Uzbekistan	28 September 1995	28 December 1995
Venezuela	10 May 1978	10 August 1978
Zambia	10 April 1984[a]	10 July 1984

C. States parties to the Second Optional Protocol, aiming at the abolition of the death penalty (44)

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Australia	2 October 1990[a]	11 July 1991
Austria	2 March 1993	2 June 1993
Azerbaijan	22 January 1999[a]	22 April 1999
Belgium	8 December 1998	8 March 1999
Bulgaria	10 August 1999	10 November 1999
Cape Verde	19 May 2000[a]	19 August 2000
Colombia	5 August 1997	5 November 1997
Costa Rica	5 June 1998	5 September 1998
Croatia	12 October 1995	12 January 1996
Cyprus	10 September 1999[a]	10 December 1999
Denmark	24 February 1994	24 May 1994
Ecuador	23 February 1993[a]	23 May 1993
Finland	4 April 1991	11 July 1991
Georgia	22 March 1999[a]	22 June 1999
Germany	18 August 1992	18 November 1992

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Greece	5 May 1997[a]	5 August 1997
Hungary	24 February 1994[a]	24 May 1994
Iceland	2 April 1991	11 July 1991
Ireland	18 June 1993[a]	18 September 1993
Italy	14 February 1995	14 May 1995
Liechtenstein	10 December 1998	10 March 1999
Luxembourg	12 February 1992	12 May 1992
Malta	29 December 1994	29 March 1995
Monaco	28 March 2000[a]	28 June 2000
Mozambique	21 July 1993[a]	21 October 1993
Namibia	28 November 1994[a]	28 February 1995
Nepal	4 March 1998	4 June 1998
Netherlands	26 March 1991	11 July 1991
New Zealand	22 February 1990	11 July 1991
Norway	5 September 1991	5 December 1991
Panama	21 January 1993[a]	21 April 1993
Portugal	17 October 1990	11 July 1991
Romania	27 February 1991	11 July 1991
Seychelles	15 December 1994[a]	15 March 1995
Slovakia	22 June 1999[a]	22 September 1999
Slovenia	10 March 1994	10 June 1994
Spain	11 April 1991	11 July 1991
Sweden	11 May 1990	11 July 1991
Switzerland	16 June 1994[a]	16 September 1994
The former Yugoslav Republic of Macedonia	26 January 1995[a]	26 April 1995
Turkmenistan	11 January 2000[a]	11 April 2000
United Kingdom of Great Britain and Northern Ireland	19 December 1999	10 March 2000
Uruguay	21 January 1993	21 April 1993
Venezuela	22 February 1993	22 May 1993

D. States which have made the declaration under article 41 of the Covenant (47)

State party	Valid from	Valid until
Algeria	12 September 1989	Indefinitely
Argentina	8 August 1986	Indefinitely
Australia	28 January 1993	Indefinitely
Austria	10 September 1978	Indefinitely
Belarus	30 September 1992	Indefinitely
Belgium	5 March 1987	Indefinitely
Bosnia and Herzegovina	6 March 1992	Indefinitely
Bulgaria	12 May 1993	Indefinitely
Canada	29 October 1979	Indefinitely
Chile	11 March 1990	Indefinitely
Congo	7 July 1989	Indefinitely
Croatia	12 October 1995	Indefinitely
Czech Republic	1 January 1993	Indefinitely
Denmark	23 March 1976	Indefinitely
Ecuador	24 August 1984	Indefinitely
Finland	19 August 1975	Indefinitely
Gambia	9 June 1988	Indefinitely
Germany	28 March 1979	10 May 2001
Guyana	10 May 1993	Indefinitely
Hungary	7 September 1988	Indefinitely
Iceland	22 August 1979	Indefinitely
Ireland	8 December 1989	Indefinitely
Italy	15 September 1978	Indefinitely
Liechtenstein	10 March 1999	Indefinitely
Luxembourg	18 August 1983	Indefinitely
Malta	13 September 1990	Indefinitely
Netherlands	11 December 1978	Indefinitely
New Zealand	28 December 1978	Indefinitely
Norway	23 March 1976	Indefinitely
Peru	9 April 1984	Indefinitely
Philippines	23 October 1986	Indefinitely
Poland	25 September 1990	Indefinitely
Republic of Korea	10 April 1990	Indefinitely
Russian Federation	1 October 1991	Indefinitely
Senegal	5 January 1981	Indefinitely

State party	Valid from	Valid until
Slovakia	1 January 1993	Indefinitely
Slovenia	6 July 1992	Indefinitely
South Africa	10 March 1999	Indefinitely
Spain	25 January 1985	Indefinitely
Sri Lanka	11 June 1980	Indefinitely
Sweden	23 March 1976	Indefinitely
Switzerland	18 September 1992	18 September 2002
Tunisia	24 June 1993	Indefinitely
Ukraine	28 July 1992	Indefinitely
United Kingdom of Great Britain and Northern Ireland	20 May 1976	Indefinitely
United States of America	8 September 1992	Indefinitely
Zimbabwe	20 August 1991	Indefinitely

Notes

[a] Accession.

[b] In the opinion of the Committee, the entry into force goes back to the date when the State became independent.

[c] Succession.

[d] Although a declaration of succession has not been received, the people within the territory of the State - which constituted part of a former State party to the Covenant - continue to be entitled to the guarantees enunciated in the Covenant in accordance with the Committee's established jurisprudence (see Official Records of the General Assembly, Forty-ninth Session, Supplement No. 40 (A/49/40), vol. I, paras. 48 and 49).

[e] For information on the application of the Covenant in Hong Kong, Special Administrative Region, People's Republic of China, see Official Records of the General Assembly, Fifty-first Session, Supplement No. 40 (A/51/40), chap. V, sect. B, paras. 78-85.

[f] Guyana denounced the Optional Protocol on 5 January 1999 and reacceded on the same day subject to reservations, with effect from 5 April 1999.

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Fifty-seventh session
Item 17 of the provisional agenda

PROMOTION AND PROTECTION OF HUMAN RIGHTS

Impunity

Report of the Secretary-General

I. INTRODUCTION

1. In its resolution 2000/68, the Commission on Human Rights requested the Secretary-General to seek the views of Governments, intergovernmental and non-governmental organizations on the issue of the possible appointment of an independent expert charged with examining all aspects of the issue of impunity of perpetrators of human rights violations. The Commission also requested the Secretary-General once again to invite States to provide information on any legislative, administrative or other steps they have taken to combat impunity for human rights violations in their territory. The present report summarizes replies received from States, intergovernmental and non-governmental organizations and is submitted in accordance with resolution 2000/68.

II. REPLIES

2. In response to the notes verbales and letters sent on 24 August 2000, information was received from the Governments of Bolivia, Canada, Chile, Colombia, Croatia, Cuba, Egypt, Kuwait, Poland, the Russian Federation and Thailand. Information was also received from the following non-governmental organizations American Association of Jurists and Europe-Third World Centre, Association of the Bar of the City of New York, Enfants du Monde – Droits de l'Homme, Congregation of Our Lady of Charity of the Good Shepherd, Coordination française du lobby européen des femmes, Federation of Cuban Women, Human Rights Advocates

International Inc., International Baccalaureat Organization, International Centre for Human Rights and Democratic Development, International Commission of Jurists, International Federation of Human Rights Leagues, International Rehabilitation Council for Torture Victims, Liberation, Marangopoulos Foundation for Human Rights, National Council of German Women's Organizations, Romanian Independent Society of Human Rights and World Association of Girl Guides and Girl Scouts. The Association of World Citizens wrote to express its concern but indicated that it had no policy on the question.

3. As an indication of its efforts to fight impunity, the Government of Bolivia reported its ratification of several international human rights instruments and noted that the Inter-American Convention to Prevent and Punish Torture and the Rome Statute of the International Criminal Court are currently in the process of ratification. The Government further noted the recent establishment of several legal institutions designed to safeguard human rights and to guarantee the transparent, prompt and impartial administration of justice. The Office of the Ombudsman, for example, was established in December 1997 to guarantee respect for the rights of the individual in the public sector and to ensure the protection, promotion and dissemination of information on human rights. The Constitutional Court was established in 1998 to ensure respect for the Constitution, the constitutionality of conventions and treaties, and respect for and the effective enjoyment of human rights and fundamental freedoms. The Judicature Council, also created in December 1997, was established to exercise disciplinary authority over officials of the judiciary and to assess applications for judicial positions. In addition to these reforms, the Government referred to several recent criminal cases such as the trial and sentencing in 1994 of the former de facto President, General Luis Garcia Meza Tejada, to 30 years' imprisonment for criminal acts including murder, disappearances, executions, torture and armed rebellion. Other cases include the investigation and prosecution of several individuals for their alleged participation in crimes during the coup d'état of 1980. The Government reported the recent introduction of a new Code of Criminal Procedure, which incorporates provisions such as the right to a just, prompt and fair trial. It also referred to a number of administrative measures recently adopted, such as the establishment of a commission to investigate disappearances, torture, executions and murders that took place during the 1980 coup d'état.

4. The Government of Canada reported that its Minister for Foreign Affairs and International Trade has submitted to the Canadian Parliament the Crimes Against Humanity Act, which would implement the Statute of the International Criminal Court (ICC) and would replace the current war crimes provisions of the Canadian Criminal Code. The Act must pass through a series of parliamentary steps before it becomes law, a process which is likely to be completed in the year 2000. The Act would create the offences of genocide, crimes against humanity and war crimes, as well as the offence of breach of responsibility by military commanders and other superiors. The Act enumerates offences such as obstruction of justice and bribery of judges and officials, in order to protect the integrity of the ICC process and to protect ICC judges, officials and witnesses. It would also incorporate offences related to the possession and laundering of proceeds from genocide, crimes against humanity, war crimes, or breach of a commander's responsibility. The Act introduces amendments to the Extradition Act to ensure that Canada would be able to surrender persons sought by ICC to the Court, as well as to States and the ad hoc international criminal tribunals for the former Yugoslavia and Rwanda. Based upon a document produced by an independent advisory group and subsequent public consultations, Canada is also considering amendments to the Immigration Act to facilitate the identification and

removal of war criminals in Canada. In addition to these legislative measures, the Government detailed the administrative steps taken to combat impunity. It explained that Canada's approach to combating impunity for war crimes is to consider all available remedies and then use the remedy that is most effective and appropriate for each particular case, whether it be criminal prosecution, revocation of citizenship, or deportation. It described the preparation, in 1998/99, of Comprehensive Operations Memoranda to assist immigration field officers in the correct application of the war criminal provisions of the Immigration Act. In addition, the Department of Justice, the Department of Citizenship and Immigration and the Solicitor General of Canada prepared a second annual report in July 1999, which gives an overview of Canada's War Crimes Program. The Government reported the allocation of $46.8 million over three fiscal years to bring to justice those involved in war crimes, crimes against humanity and other reprehensible acts in times of war. The Crimes against Humanity Act also provides for the creation of a Crimes against Humanity Fund, into which money obtained from the disposal of forfeited assets or from the enforcement of fines or reparation orders of the International Criminal Court will be paid. The Attorney General of Canada may then make payment from that Fund to victims of offences under the Act or to the Trust Fund of the ICC.

5. The Government of Chile recalled that the period of the military regime, which lasted from 1973 to 1989, had been characterized by ineffectiveness in investigations into human rights violations. A broad interpretation had been given to the amnesty law of 19 April 1978 (Law No. 2191), which granted amnesties for alleged crimes committed between 1973 and 1978. This legislation effectively closed investigations into human rights violations attributed to State agents and, in particular, to the security service and armed forces. Prior to 1990 the Supreme Court, which was composed exclusively of judges appointed during the military regime, had systematically overruled lower court decisions which favoured the investigation of human rights violations. While the membership of the Supreme Court changed slightly in 1990, no substantial reforms occurred until the adoption of Law No. 19123 in 1997, which effectively changed the balance of the Supreme Court in favour of newly appointed judges. The new composition of the Supreme Court has enabled majority decisions in favour of the investigation of human rights violations. Examples of this development include recent Supreme Court rulings which have restricted the application of amnesties granted under Law No. 2191. The Supreme Court has stressed the need to consider the application of amnesties only on an individual, case-by-case basis. In the same way, recent Supreme Court jurisprudence has encouraged the tribunals to refrain from applying the amnesty laws for grave violations of the Geneva Conventions of 1949 committed between 1973 and 1974. The Supreme Court has also made a concerted effort to resolve conflicts between military and civil justice.

6. The Government of Colombia outlined the provisions of the Military Penal Code of 12 August 1999. The new Code specifies that only punishable acts committed by members of the police and armed forces in the line of their specific military or police duties shall be considered service-related criminal offences. The Code states explicitly that torture, genocide and enforced disappearances are not under any circumstances to be considered as service-related offences. Colombian legislation also states that acts defined as crimes against humanity must be prosecuted by the regular criminal courts. Under the Military Code, in order to ensure the objectivity of proceedings, members of the armed forces and police officers cannot exercise command duties while acting as investigators, prosecutors, or judges. The Military Code also strengthens and consolidates the role of the Public Prosecutor's Office in military court

proceedings. As the initiator of the proceedings, the Prosecutor's Office has an obligation under the Code to ensure respect for human rights and due process. The new Code also allows for civil actions to be brought in a criminal case where the sole purpose of such an action is to help the court establish the facts. The Code refers to the obligation to redress the material and personal injuries caused by criminal offences and the duty of the State to compensate aggrieved parties. In addition to the new Military Penal Code, the Government reported that a new Penal Code will come into force on 24 July 2001. The new Code covers acts including genocide and incitement to commit genocide. It also introduces a section devoted exclusively to crimes against persons and objects protected under international humanitarian law. With regard to international instruments, the Government drew attention to the fact that it had contributed to the drafting of the Rome Statute of the International Criminal Court (ICC) as well as to the definition of the elements of crime and rules of procedure and evidence for the implementation of the Statute. The Government reported its ongoing efforts to make the criminal offences referred to in the Statute punishable acts under internal legislation, and to consider ratifying the Statute. The Government noted that legislative measures such as the reformed Military Penal Code and the new Penal Code, as well as the international human rights instruments including the ICC Statute, have all contributed to the creation of new means of fighting impunity in Colombia.

7. Regarding the responsibility for violations of international human rights and humanitarian law, the Government of Croatia referred to chapter XIII of the Penal Code on "Crimes against the values protected under international law" which addresses crimes against humanity, peace and war crimes as well as criminal acts involving individual rights and freedoms. The Government noted that serious violations of human rights are sanctioned in chapter XI on "Crimes against human and civil freedoms and rights", which is based upon the provisions of the Croatian Constitution as well as regional and international human rights instruments. Violations of the equality of citizens, including the prevention or limitation of the right to freedom of expression with regard to ethnic identity or language, is considered a serious and punishable human rights violation under this chapter. A new Croatian criminal act also includes provisions based on article 38 of the Constitution regarding guarantees of freedom of thought and expression as well as violations of the right of assembly and public protest, the right of association, religious freedom, the right to strike and the misuse of personal data.

8. The Government of Cuba emphasized the need to preserve the universal, indivisible and interdependent nature of human rights. It noted that victims of violations of economic, social and cultural rights such as the right to education and the right to food merit as much attention as victims of torture or arbitrary detention. The Government expressed its support for the appointment of an independent expert to examine all aspects of the question of impunity for human rights violations, on the condition that the mandate of the independent expert is not limited to the political interests of a few Western industrialized countries. According to the views of the Government, the mandate should respect the holistic approach to combating impunity adopted at the World Conference on Human Rights in Vienna. The independent expert's work should extend beyond compiling legislation and reviewing its application to making recommendations to the Commission for the progressive development of international norms to combat impunity for violations of all human rights. The Government outlined the principles that should be respected by the independent expert in carrying out his/her mandate including, in particular, the principles contained in Article 2 of the Charter of the United Nations. It noted some of the challenges which the independent expert may face, such as the absence or

inadequacy of legislative measures to combat impunity with respect to economic, social and cultural rights, the determination of responsibility for violations of those rights, and the need to ensure non-discrimination and integrity in the application of norms in the fight against impunity. According to the Government, the obligation to promote and protect human rights brings with it the obligation to punish those responsible for human rights violations and to provide reparations for damages resulting from such violations. The Government also asserted that the issue of impunity should include a consideration of past practices such as slavery and colonization, whose effects continue to be felt today, and noted several contemporary examples of violations of economic, social and cultural rights. With regard to the legislative, administrative and other measures to combat impunity, the Government detailed its efforts to end impunity for violations of the rights of its citizens by the Government of the United States of America. It reported the details of a case on reparations for damages and indemnity for injustices brought by eight non-governmental organizations against the United States Government on the basis of human rights violations and damages suffered as a result of the unilateral sanctions imposed by the United Sates Government against Cuba. The Government reiterated its commitment to continue cooperating in the international fight against impunity for all human rights, in all areas of the world.

9. With regard to the question of the possible appointment of an independent expert on impunity, the Government of Egypt stated that the concerns raised regarding the issue of impunity are sufficiently covered by the existing relevant human rights mechanisms and the international criminal tribunals. It recalled the agreed conclusions of the working group on the review of the mechanisms of the Commission on Human Rights concerning the need to avoid duplication and proliferation of the mechanisms.

10. The Government of Kuwait reported that Kuwaiti legislation shows due regard for the need to combat impunity and to take effective measures to prevent perpetrators of human rights violations from enjoying impunity. Specifically, the Government noted that article 167 of the Constitution provides that "The Department of Public Prosecutions shall institute public proceedings on behalf of society and shall also supervise criminal investigation matters and ensure the enforcement of the criminal law, the prosecution of offenders and the execution of judgements". Act No. 31 of 1970 amending the Penal Code (Act No. 16 of 1960) prescribes penalties as a deterrent to human rights violations. Article 227 of the Kuwait Civil Code (Act No. 67 of 1980) stipulates that victims of any violations of human rights have a guaranteed right to compensation, while the right to seek legal remedy before the courts is recognized in article 166 of the Constitution. The Government noted that a Human Rights Committee was established at the Ministry of the Interior in accordance with Ministerial Ordinance No. 12/97 and that another committee, known as the Committee on Human Rights, was established as part of the legislative authority and assigned the task of defending human rights and investigating matters relating thereto.

11. The Government of Poland noted that all violations of fundamental human rights such as the right to life, freedom of conscience and the right to privacy constitute violations of the Constitution and are treated as offences under Polish law. According to article 31 of the Constitution interference in an individual's personal freedom by a legislative or executive authority may only occur in circumstances listed in the Constitution and only when necessary for the protection of security or public order, or to protect the natural environment, health or public

morals, or the freedoms and rights of other persons. Article 5 of the new Constitution imposes an obligation on the State to respect the freedoms and rights of persons and citizens, while chapter II contains provisions to ensure the protection of such rights and freedoms. Article 79 provides for the right of an individual whose constitutional rights have been violated to submit a complaint to the Constitutional Tribunal upon exhaustion of all other available means of legal protection. Article 80 stipulates that everyone has the right to request assistance from the Commissioner for Citizens' Rights if their freedoms or rights are infringed by organs of public authority. With regard to remedies, article 77 provides for the right of everyone to compensation for damage caused by an unlawful action by an organ of public authority. This provision is expanded in the Civil Code in the chapter dealing with torts. Compensation and redress for injury to personal interests are also covered by the Civil Code in articles 23 and 24. Furthermore, if a violation of personal interest results in damage to property, the injured person may demand redress in accordance with the general principles of the Civil Code. According to the Government, provisions relating to the protection of the rights of persons are also detailed in the Criminal Code and the Code of Petty Offences, including provisions for compensation for injuries or damage suffered.

12. The Government of the Russian Federation described in detail its commitment, as signatory to the International Covenant on Civil and Political Rights, to ensure that any person whose rights or freedoms are violated has an effective remedy. It drew attention to the provisions of the Constitution, which states that it is the duty of the State to recognize, observe and protect the rights and freedoms of individuals, whose rights and freedoms are supreme. The Constitution enshrines the principle of equality before the law and the courts, the right to human dignity and the prohibition of torture, violence and other degrading treatment or punishment, the right to freedom and personal inviolability, and the principle of the presumption of innocence. A series of safeguards designed to protect citizens from abuses committed by authorities and officials are also provided for, including provisions for access to justice for victims and compensation for injury. The Government noted that a central tenet of the Civil Service of the Russian Federation (Basic Principles) Act and the Municipal Service of the Russian Federation (Basic Principles) Act is the primacy of individual and civil rights and freedoms and the duty of civil servants to observe and protect them. Other legislation includes provisions for a system of legal safeguards and penalties for persons in positions of authority who violate basic human rights and freedoms. The Criminal Code imposes liability on law enforcement officers who bring criminal proceedings against a person known to be innocent and prescribes criminal penalties for unlawful exemption from criminal liability and other offences, including bribery and abuse of official position. It is also a criminal offence to infringe the constitutional rights and freedoms of individuals and citizens. Less serious offences against civic rights and freedoms are handled in administrative proceedings, including under the Code of Administrative Offences. A series of procedural safeguards, such as the Complaints (Actions and Decisions Violating the Rights and Freedoms of Citizens) Act, the Code of Civil Procedure, the Constitution and the Federal Constitutional Law on the Constitutional Court of the Russian Federation, exist to ensure that citizens whose rights have been violated may exercise their right to a judicial remedy. In addition, the Office of the Procurator-General, whose role is to supervise the enforcement of current legislation throughout the Russian Federation, is responsible for supervising due observance of the rights and freedoms of individuals and citizens. The Government included a copy of the Complaints (Actions and Decisions Violating the Rights and Freedoms of Citizens) Act as well as judicial statistics for the period 1993 to 1999 in an annex to its reply.

13. The Government of Thailand detailed the provisions of its Constitution, which lays down fundamental rules and principles for the promotion and protection of the rights and liberties of the people. The Constitution provides for public participation in governance and the inspection of the exercise of State power, and outlines the role of the Ombudsman, the directive principles for fundamental State policies, and the establishment of the National Human Rights Commission. The Penal Code, the Criminal Procedure Code, the Civil and Commercial Code and the Civil Procedure Code each set out rules and procedures for dealing with a wide range of violations against the rights of others. The Ombudsman Act provides the Ombudsman with the power to consider complaints regarding the performance of, or failure to perform duties of a government official, an official or employee of a State agency, State enterprise or local government organization, which unjustly causes injuries to the complainant or the public, whether such act is lawful or not. The Government reported that the Discipline of the Civil Servant Act contains provisions governing the conduct of civil servants, including the punishment to be imposed in the event of a violation. Once it is passed, the National Human Rights Commission Act will provide for the creation of a commission to consider issues relating to the promotion and protection of human rights. The Government noted several administrative steps taken to ensure the protection of the rights and liberties of persons including orders, rules and regulations adopted by the Ministry of the Interior and the Ministry of Labour and Public Welfare. With regard to remedies, the Government reported that a Compensation Fund is being established for victims of criminal acts and for individuals subjected to criminal punishment whose convictions, upon review of the case by the courts, are reversed.

14. The American Association of Jurists and the Europe-Third World Centre pointed to the contribution they had made in recent years on the issue of impunity with regard to human rights violations. The American Association of Jurists noted that its support for a universal approach to the question of impunity for violations of all human rights was based upon the indivisibility and interdependence of the two categories of rights as enshrined in the Vienna Declaration and Programme of Action. It stressed that the question of impunity must be considered both as the absence of sanctions for human rights violations and as the lack of subsequent reparation for damages. The two organizations emphasized their support for the appointment of an independent expert to examine the issue, without excluding the possibility that, in view of its complexity, the work might be divided between two experts, one dealing with impunity in the area of civil and political rights and the other with impunity for violations of economic, social and cultural rights.

15. The Association of the Bar of the City of New York expressed some reservations as to whether the appointment of an independent expert would be the best means of combating impunity. The Association noted that the regimes governing civil and political rights and economic, social and cultural rights are at different stages of development and do not lend themselves to a common approach, and that the appointment of an independent expert could place undue strain on the overburdened resources of the Office of the High Commissioner for Human Rights. Without the availability of additional resources, the Association indicated that the additional mandate might place other urgent programme needs in jeopardy. It added that while various international instruments provide for measures to ensure that no one enjoys impunity for violations of civil and political rights, there is no uniformity in approach. The international community has tended to give more attention to the issue of accountability for violations of civil and political rights than to violations of economic, social and cultural rights.

There is also, the Association noted, a "threshold issue": how to identify and define those human rights violations that are so egregious as to warrant the development of an international regime to prevent impunity for their commission. The Association concluded by questioning the advisability of allocating scarce resources for an expert on the general issue of impunity but suggested that, should an appointment be made, the mandate be highly specific and geared towards identifying legal obstacles to codification and harmonizing approaches with respect to those aspects of impunity for violations of civil and political rights where work is nearly complete. It further suggested that the Commission consider the progress made to date with respect to a generic approach to principles of impunity that would apply in all instances. To this end the Association suggested the idea of a cross-cutting "impunity perspective" which could be integrated into all the human rights work being done under the auspices of the United Nations, although it questioned whether the appointment of an additional expert would be required for the implementation of this perspective.

16. Enfants du Monde - Droits de l'Homme indicated its support for the appointment of an independent expert charged with examining all aspects of the issue of impunity of perpetrators of human rights violations. It noted that children must be protected because of their innocence and fragility and requested that a reference be made to the Convention on the Rights of the Child in the text adopted by the Commission.

17. The Congregation of Our Lady of Charity of the Good Shepherd expressed support for the appointment of an independent expert charged with examining all aspects of the issue of impunity and noted that the independent expert should be given sources sufficient to fulfil his/her mandate. It suggested that impunity be clearly defined to include notions of accountability, protection, remedy and justice. The Congregation stressed that the examination of impunity should include a full international perspective, including impunity with regard to specific violations against women, and that the independent expert should seek the views of those who have suffered human rights violations.

18. The Federation of Cuban Women stressed the importance of putting an end to impunity for human rights violations in every country. It noted, however, that the question of impunity for violations of economic, social and cultural rights was not addressed in the Commission's resolution on impunity and emphasized the need for a balanced consideration of all rights when dealing with the issue of impunity for violations.

19. The Coordination française du lobby européen des femmes called for an end to impunity for violations of human rights. It expressed particular concern with regard to slavery-like practices, including prostitution and trafficking of women and girls, and stressed the need to end impunity in all cases of human rights violations.

20. Human Rights Advocates International Inc. reported its support for the appointment of an independent expert as a step consistent with the adoption by the United Nations of the draft set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/Sub.2/1997/20/Rev.1, annex). It outlined the efforts within the United Nations system to address the question of impunity and noted the particular importance of the draft set of principles. The appointment of an independent expert to study the issue of impunity is considered to be the essential next step in the implementation of the work already

completed. The goal of the expert should be to monitor and report annually to the Commission on what States and international organizations are doing in this area, using the information received from individuals and non-governmental groups. According to Human Rights Advocates, the focus of the independent expert should be on situations of widespread or systematic impunity. Human Rights Advocates indicated that in addition to appointing an independent expert, the Commission should continue to disseminate widely the various reports on the question of impunity and the principles and guidelines on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms.

21. The International Baccalaureat Organization noted its support for the appointment of an independent expert to examine the issue of impunity of perpetrators of human rights violations. It stressed its belief that no group or individual should be able to escape investigation for such crimes regardless of his/her position, and that this should apply in particular to presidents of countries and members of diplomatic missions.

22. The International Centre for Human Rights and Democratic Development noted the recent international developments to combat impunity, such as the adoption of the Rome Statute of the International Criminal Court and the decisions and judgements of the International Criminal Tribunals for the Former Yugoslavia and Rwanda. It referred to the key role in these developments which non-governmental organizations have played, and continue to play, in the interests of the victims of human rights violations including advocating for the adoption of national and international measures to guarantee effective respect for the right to know, the right to justice and the right to reparation. The work of the International Centre for Human Rights and Democratic Development to combat impunity emphasizes the absence or inadequacy of penalties and/or compensation for serious or large-scale violations of the human rights of individuals or groups. While States have the primary obligation to ensure respect for human rights, which includes the obligation to ensure remedies for violations of those rights, action to combat impunity for human rights violations must continue to be a priority at the international level. To this end, the International Centre for Human Rights and Democratic Development expressed its support for either the appointment of a special rapporteur on impunity or the establishment of a working group to collect and report on all violations of human rights with a view to ensuring a coherent, holistic and global approach to combating impunity, including the question of impunity for violations of women's rights. The International Centre suggested the adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights for individual or collective complaints upon the exhaustion of local remedies.

23. The International Commission of Jurists (ICJ) emphasized that impunity is incompatible with the international obligations of States and that it constitutes a major obstacle to the full enjoyment of human rights. It pointed out that it has long cooperated with the independent experts on the issue of impunity with regard to civil and political rights and that it has been actively associated with the preparation of the draft set of principles for the protection and promotion of human rights through action to combat impunity. These principles are frequently cited by human rights mechanisms, in particular by the Inter-American Commission on Human Rights in its decisions concerning individual communications. ICJ stressed that the Commission on Human Rights should consider the draft set of principles with a view to their adoption; that the issue of impunity of perpetrators of economic, social and cultural rights should be studied

further; and that international standards should be proposed in this regard. It suggested that particular attention should be paid to the development of the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights and to the Additional Protocol to the European Social Charter providing for a system of collective complaints. ICJ suggested that the mandate of an independent expert might provide a suitable mechanism for further consideration of the draft set of principles with a view to their adoption by the Commission, and for studying the issue of impunity of perpetrators of economic, social and cultural rights violations and the proposal of international standards in that respect. At the same time, impunity related to different forms of human rights violations should continue to be considered by the various mechanisms of the Commission on Human Rights. ICJ emphasized that these bodies should continue to monitor the fulfilment by States of their international obligations with respect to combating and eradicating impunity.

24. The International Federation of Human Rights Leagues (FIDH) pointed out that impunity for perpetrators of human rights violations encourages further violations. It welcomed recent developments in international criminal law, including the growing recognition of the principle of universal jurisdiction and the adoption of the Rome Statute of the International Criminal Court. FIDH emphasized that the consideration of the question of impunity should cover violations of all human rights. In this regard, it noted the work done within the United Nations system, including the efforts of the expert of the Sub-Commission on the Promotion and Protection of Human Rights on the question of impunity for civil and political rights, and in particular the proposed draft set of principles for the protection and promotion of human rights through action to combat impunity. FIDH expressed its support for the continued consideration of the draft set of principles by the Commission and for the appointment of an independent expert to revise and promote them and encourage their adoption. According to FIDH, the question should be examined further by the Sub-Commission with a view to the possible nomination of an expert to make recommendations on the mechanisms to combat impunity for violations of economic, social and cultural rights.

25. The International Rehabilitation Council for Torture Victims expressed its support for the appointment of an independent expert to deal with all aspects of impunity. It stressed the need for a holistic approach to the problem of impunity that would encompass both civil and political as well as economic, social and cultural rights. It noted that while many States subscribe in theory to the provisions of human rights law, the implementation of these provisions is often ignored and perpetrators of serious human rights violations go unpunished.

26. Liberation expressed its support for the appointment of an independent expert charged with examining all aspects of the issue of impunity of perpetrators of human rights violations.

27. The Marangopoulos Foundation for Human Rights expressed its support for the possible appointment of an independent expert entrusted with a mandate to examine all aspects of the issue of impunity of perpetrators of human rights violations. It noted its belief that a systematic approach to the question of impunity would help to consolidate the progress made so far in combating impunity and would open new prospects for future action. The Foundation indicated its readiness to assist the independent expert in his/her tasks.

28. The National Council of German Women's Organizations noted the need to establish mechanisms to expose human rights violations and to hold their perpetrators accountable. The Council expressed its support for the appointment of an independent expert charged with examining all aspects of the issue of impunity of perpetrators of human rights violations which, in the Council's view, is an adequate mechanism in the fight of the United Nations against impunity for human rights violations.

29. The Romanian Independent Society of Human Rights expressed its support for the appointment of an independent expert as an important means of encouraging States to assist in the rehabilitation of the victims of human rights violations, including the establishment of compensation for victims. It drew attention to the mandates of special rapporteurs and noted that the appointment of a new independent expert should include terms of cooperation between the special rapporteurs and independent experts. The Society noted that the purpose of the activities of independent experts in investigating situations involving the violation of human rights is not to punish States but rather to support them in bringing such violations to an end. It expressed the view that non-governmental organizations with expertise in the field should be consulted in this regard. It expressed concern over the slow functioning of the International Criminal Tribunals for the Former Yugoslavia and Rwanda and suggested that the appointment of an independent expert might support the effective functioning of such courts.

30. The World Association of Girl Guides and Girl Scouts expressed its support for the appointment of an independent expert. It stressed the importance of a sound selection process to ensure the independence of the individual nominated.